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Supreme Court of the United States

On Writ of Certiorari

Briefs on the Merits (Rule 24)

Case No. 10-451

Robert M. Ross,
Petitioner
V

UNITED STATES OF AMERICA,
California State Bar Association
Orange County Bar Association
Phillip Kohn, Laguna Beach City Attorney
Kenneth Frank, Laguna Beach City Manager
Marilyn Mirano, attorney
Miguel Mirano, attorney
James R. Gorman, attorney
Eleanor Palk, Orange County Police Commissioner
Chriss Street, Orange County Tax Assessor
Tony Rackauckas, Orange County District Attorney
Chris Norby, Orange County Board of Supervisors
Respondents

QUESTIONS FOR REVIEW
(Rule 14 1.(a) & 24.1(a)

These following questions are identical to those in the original.

1. At the U.S. Treasury, would the Internal Revenue Service have jurisdiction to blow away a decision from a United States District Court, a District Court of Appeals and, now, possibly, the United States Supreme Court?

2. Should property tax evasion be considered defrauding the IRS and the Tax Authorities, just like income tax evasion?

3. Does it seem reasonable that a defendant county tax assessor would fail to visit the site of the complaint of illegally encroached-upon public streets?

4. The complained-of area is wild-fire prone. Would there necessarily be many lawyers involved should we have a wind-swept fire causing property loss, injury and even death because fire and emergency vehicles could not

enter the congested area because of the illegally narrowed streets? And then, the insurance companies refuse to pay.

5. If Petitioner prevails in his accusations of RICO: Conspiracy, Mail Fraud 1989-1992, 2002, and 2007, and Extortion in 2007, and continuing violations of State Streets and Highways Codes and Property Tax Evasion since around 1975, which continues today; would past and present on-going property tax evasion alone be enough to consolidate the other past accusations to fully establish a present day RICO?

6. Do nesting attorneys and officials fulfill the parameters of 18 USC 1962(c) by committing, and allowing a tort, which results in a neighbor having to hire an attorney to fix a problem purposely created by these other attorneys?

7. Defendant attorneys claim their private usurped portion of a public street is public property and therefore not taxable. Perhaps, but would thirty-five year retroactive

fines, damages, and penalties, be applicable in this instance?

8. All defendants and their attorneys claim the statute of limitations precludes any action and that the petition is DOA. California State Constitution Article XIII says that all private property is taxable. Why haven't the defendants, their attorneys, the district court judge and appellate judges, addressed the present day issues of State Streets and Highways Codes violations and Article XIII property tax evasion?

9. Are the Ninth Circuit District Court Judge David O. Carter, and the Appellate Judges, Fernandez, Gould, and M. Smith de-facto heads of an 18 USC 1962(c) RICO hierarchy or merely dismissive because the Ninth Circuit is awash and overwhelmed with class-action securities fraud and bankruptcy cases?

10. Does the Due Process clause allow a county police commissioner to make a ruling in a civil case?

11. Does the Equal Protection clause allow attorneys to take public property for private gain and not pay taxes on it?

12. The appellate judges conclude their affirmation of the lower court decision by stating: ("Dismissal without leave to amend is proper if it is clear that the complaint could not be saved by amendment"). Would involvement and a decision by the Internal Revenue Service be considered a proper amendment to the petition at any time?

13. The appellate judges and the district court judge are sworn, by oath, to uphold the Constitution. Would this also include the State Constitution, wherein Amendment XIII states that all private property is taxable?

14. Is it right that a private citizen should have to pay over $85,000 in legal fees to have an encroachment removed from a public street, and the encroachment remains?

15. Is District Judge David O. Carter correct in using 18 USC 1952 and its points and authorities to dismiss the petition? 18 USC 1952 is Interstate and foreign travel or transportation in aid of racketeering enterprises.

15. Would it be moral-turpitude, or a crime, that attorney defendant James Gorman, in 2007, deliberately violated Calif. Civ.Code Proc. 337.5; the ten year S.O.L. on judgment collection?

16. Finally, does it make any sense that in order to take the dirty dishes from the dining room table to the kitchen sink, the respondent attorneys have to walk across the street?

THE LIST OF PARTIES

(Rule 14.1. (b) & 24.1(b)

The list of parties is documented on the cover page.

LENGTH OF PETITION AND TABLE OF CONTENTS (Rule 24.1.(c)

Pursuant to Rule 331.(g) Word Limits and Colors, Petitioner's light blue Brief on the Merits is 510 words. The petition, less than 15,000 words under five pages, should conform with Rule 33.1(d); there is no separate table of contents per Rule 14.1(c) & 24.1(c).

CITATIONS, OPINIONS & ORDERS FROM COURT

(Rule 24.1.(d)

The following edited citations, opinions and orders are from the Ninth Circuit Court of Judge David O. Carter, dated November 6, 2008. Judge Carter delivered his decision single-spaced, so Petitioner in the spirit of brevity and space, keeps the same format this time.

I. Motion to Dismiss the Action Pursuant to Fed. R.Civ.P. 12 (b)(6),...fails tostate a claim: Fed. RCiv.P.78; Local Rule 7-15....without oral argument.

II...LEGAL STANDARD: *Bell Atlantic Corp v. Twombly*, 127 S.Ct 1955, 1969, 2007...facts consistent with those allegations....; *Balistreri v. Pacifica Police Dept.*, 901 F2d. 696, 699 (9thCir.1990)...when it lacks a "cognizable legal theory; *Bell Atlantic*, 127 S.Ct. (1968)...can prove no set of facts...;

abrogating *Coley v. Gibson*, 355 U.S. 41, 45. 46, 78 S.Ct. 99 (1957)....that would entitle it to relief. *Guerrero v. Gates*, 442F.3d. 697, 703 (9th Cir 2006).

Balisteri, 901 F.2d at 699…Dismissal without leave to amend is appropriate; *Jackson v. Carey*, 353 F.3d 77750, 758 (90th Cir 2003) citing *Chang v. Chen* 80F. 3d 1293, 1296 (9TH Cir 1996)…the complaint could not possibly be cured by amendment.

III. DISCUSSION: "Plaintiff has not alleged a single claim upon which relief can be granted.

1. **Plaintiff's Complaint is Barred by the Statute of Limitations**. Agency *Holding Corp. v. Malley Duff & Associates, Inc.* 483 U.S. 143, 107 S.Ct. 2759, 1987…the Supreme Court held that a 4 year statute of limitations applied to all civil RICO actions, regardless of the predicate acts involved…*Beck v. Manufacturers Hanover Trust Co.*, 645 F.Supp 675 (S.D.N.Y 1986)…statute of limitation period commences when Plaintiff knows of the injury which is the basis of the complaint.

Defendants encroached on his property and prevented him from developing it for commercial use…Secondly, Plaintifi asserts that the Defendants have forced Plaintiff to expend several thousands of dollars in legal fees to protect his property rights. Among these fees, Plaintiff references an amount of $25,633.65 paid to Defendant James R. Gorman in 2007. California Control of Profits of Organized Crime Act, CPC 186..which Plaintiff argues applies a 10 year statute of limitation.

2. **Plaintiff's Complaint Fails to Establish Substantive Elements of RICO** *Langford v. Rite Aid of Ala.Inc.*, 231 F.3d. 1308, 1311 (11th Cir 2000).....establishes four elements: (1) conduct, (2) of an enterprise (3) through a pattern, (4) of racketeering activity.

a. **Plaintiff's Complaint Does Not Establish Conduct of a RICO Enterprise** *U.S. v. Fernandez*, 388 F.3d. 1199 (9th Cir 2004)…To establish an enterprise, for purposes of 18 USC 1952, Plaintiff must submit evidence of an on-going organization which exhibits a hierarchial or

consensual decision making structure...; *Lester v. Percudani*, 556 F.Supp.2. 473 (M.D.P.A. 2008).... Plaintiff must demonstrate that the predicate acts were committed by the enterprise rather than by disparate and unassociated individuals....; *Reves v. Ernst & Young*, 113 S.t. 1163 (1993)...it must be shown that the individual participated in the conduct or affairs of the enterprise and that he or she participated through a pattern of racketeering.

b. **Plaintiff's Complaint Does Not Establish a Pattern of Racketeering Activity**. *Langford, supra*, at 1311 (citing 18 U.S.C. 1961 (5))..... Plaintiff must show two predicate acts of racketeering activity, within a 10-year period of time. Because the two acts are 17 years apart, they cannot properly constitute a "pattern" for purposes of 18 U.S.C. 1961 (5). *Republic of Panama v. BCCI Holdings (Luxembourg) S.A.* 119 F.3d. 935, 949 (11th Cir. 1997)...Plaintiff has failed to prove the elements of the alleged predicate acts.

Plaintiff's Complaint Does Not Establish Elements of Fraud. *Ziemba v. Cascade Intern. Inc.*, 256 F.3d. 1194, 1202 (11th Cir 2001)..The circumstances constituting fraud or mistake shall be stated with articularity...; General allegations of fraud are not sufficient to satisfy Fed. Rule of Civ. Proc. 9 (b); *Hirshhorn v. Mine Safety Appliances Co.*, 54 F. Supp 588 (D.C. Pa. 1944)...Plaintiff must be specific enough...to apprise the defendant of the fraudulent acts they are charged with.. Sedima, S.P.R.L. v. Imrex Co., Inc., 473 U.S. 479, 496, 105 S.Ct. 3275, 3285 (1985)...Additionally, a Plaintiff must establish the following elements, in order to satisfy FRCP 9 (B): (1) a specific false representation of material fact. (2) the time and place of each such statement and person responsible for making (or, in the case of omissions, not making) same, and (3) ignorance of its falsity by the person to whom it was made, (4) the maker's intention that it should be acted upon, and (5) detrimental reliance by Plaintiff.

Verbatim Quotations by Judge David O. Carter

Plaintiff alleges that Defendant James R. Gorman made a false representation to Plaintiff when he refused to cite any tax, street, or highway authority in Plaintiff's 1990 nuisance litigation. Plaintiff alleges that Defendant James R. Gorman was aware of the falsity of his representations as Defendant Gorman is a practicing attorney who is aware of the rules of law. Plaintiff additionally alleges that Defendant Gorman's trial brief, in which Gorman applied nuisance codes rather than tax, highway, or street codes, was relied upon by Plaintiff and caused Plaintiff to lose his family, inheritance, and over $85,000 in legal fees.

Plaintiff has failed to establish the necessary elements to show fraud and satisfy FRCP 9(b). Firstly, Plaintiff has failed to show that Defendant James R. Gorman misrepresented information to him..... That Defendant chose not to rely on certain legal codes and informed Plaintiff of this fact, however, is not a misrepresentation. Defendant Gorman informed Plaintiff of his intentions and followed through with them when he wrote his trial brief relying solely on nuisance codes. Although Plaintiff disagreed with Defendant's decision, Defendant Gorman honestly disclosed his strategy to Plaintiff.

Additionally, Plaintiff has failed to show that Defendant Gorman's statement resulted in Plaintiff's detrimental reliance. On February 13, 1990, the judge presiding over Plaintiff's nuisance litigation ruled in Plaintiff's favor. The Defendant appealed, but the appeal was later dropped. It appears that Plaintiff was ultimately successful in his litigation and it is not clear, therefore, how the Defendant's use of the nuisance code harmed Plaintiff. Plaintiff has not established the connection

between this use of code and his alleged loss of his family, inheritance, and $85,000 in legal fees.

ii. Plaintiff's Complaint Does Not Establish Elements of Extortion.

In 1992, after Plaintiff failed to pay Defendant James R. Gorman for his representation in the 1990 nuisance litigation, Defendant Gorman was awarded a no-interest judgment of $8,000 against Plaintiff. In 2007, after nearly 15 years of non-payment, Defendant Gorman sought that a lien be placed on Plaintiff's home. Plaintiff's property was seized by the Orange County Sheriff and held for auction, to satisfy this judgment. Plaintiff was told that his home would be auctioned, unless $24,287.16 was paid. Plaintiff alleges this was an act of extortion.

Section 1951 (b)(2) of Title 18 requires that the force which is applied be wrongful." In this case, Defendant James R. Gorman had a legal right to seek payment of the judgment he was awarded in 1992. After nearly 15 years of non-payment, Defendant Gorman sought to receive the amount owed to him through Plaintiff's property. Although the Court is confused as to how an $8,000 no-interest judgment has transformed to a judgment of over $24,000, the court sees no reason to address this issue as this action is barred by the statute of limitations. Additionally, because Plaintiff has failed to establish the elements of fraud, this action would be barred regardless of the validity of Plaintiff's claim of extortion, as Plaintiff has failed to present viable claims for the two predicate acts required in RICO cases.

Plaintiff's Complaint Fails to Establish the Elements of Mail Fraud

Plaintiff has alleged additional counts of mail fraud for which it is unclear when the mailings occurred. For the remaining claims, Plaintiff has failed to establish the

existence of a scheme to defraud. Plaintiff alleges that Gorman's fee statements, memorandum sent from Gorman after the judgment from Eleanor Palk, ten additional letters from Defendant Gorman, and the check for4 $23,633.65, are all acts of mail fraud. Plaintiff has not show that these mailings were sent to deprive Plaintiff of a legal right or that these mailings included misrepresentations. Plaintiff employed Defendant James R. Gorman as his attorney in his 1990 litigation and Plaintiff failed to pay Gorman fees for his representation. Mailings stating that Plaintiff owed Defendant Gorman money, therefore, did not engage misrepresentation. Likewise, mailings which sought payment, did not attempt to deprive Plaintiff of a legal benefit.

OUTCOME

For the foregoing reasons, Defendant's motion is GRANTED.

BASIS FOR JURISDICTION Rule 24.1 (e)

.The following is identical to the original.under 14.1 (e) (i) (ii) (iii):

1. This petition is not filed under Rule 11.

2. The original petition, Case No. SACV08-0006 DOC (RNBx), was filed September 10, 2008 and dismissed November 6, 2008.

3. The appeal, Case No. 08-57003 D.C. 8:08cv01006 DOC RNB was filed December 9, 2009. The appeal was denied March 8, 2010.

4. The petition for rehearing was filed March 25, 2010. The rehearing denial was filed May 8, 2010.

5. Rule 12.5 is unnecessary here.

The following is an addition: 28 USC 1251 Constitution Art.III Section 2....in all cases of law and equity....

STATUTORY PROVISION

Rule14.1. (e)(iv) & 24.1(e)

The following Rule 24.1 (e) encompasses jurisdiction and statutory provisions from the original with the addition of item 3:

1. 28 USC 1254... **Certiorari.** Cases in the courts of appeals may be reviewed by the Supreme Court....(1) By writ of certiorari granted upon the petition of any party.... The function of a writ of certiorari under Massachusetts law is to correct errors of law committed by a judicial or quasi judicial tribunal where such errors are so substantial and material that, if allowed to stand, they will result in manifest injustice. M.G.L.A. c. 249 #4 *Shabazz v. Cole,* 69 F.Supp.2d 210.

2. 28 USC 2106. **Determination.** The Supreme Court...may affirm, modify, vacate, set aside or reverse any judgment or decree, or order of a court lawfully brought

before it for review, and may remand the cause and direct the entry of such appropriate judgment.

3. Certiorari is a remedy for a correction of errors of law apparent on the record. *(In re Davis, 730 F.2d. 176.)* Petitioner again contends that the judge David O. Carter and the appellate judges Fernandez, Gould and M. Smith ignored the State Streets and Highways Codes and State Article XIII. The errors of law apparent on the record is tax evasion, also denied by all respondents.

CONSTITUTIONAL PROVISIONS and STATUTES

Rule 14.1.(f) & 24.1 (f)

TABLE OF CITED AUTHORITIES FROM PETITIONER

The following is identical to the original.

1. 28 USC 1331, 1341, 1343 and 1367 jurisdiction and RICO claims.

2. 28 USC 1391(a), venue.

3. Calif. Streets and Highways Codes 906, Minimum Width of County Highways.

4. 18 USC 1964, private civil remedy for a violation of 18 USC 1962.

5. California State Constitution Article XIII TAXATION. "All property is taxable and shall be assessed at the same percentage of fair market value."

6. FRCP 9, Pleading Special Matters, Fraud; it is only necessary that complaint set forth ultimate facts, which are facts upon which plaintiff asks relief, and which are sufficient to constitute his cause of action. *Hirschborn v Mine Safety Appliances Co.* (1944 D.C. Pa) 54 F.Sup 588, 61 USPQ 517.

7. 18 USC 1951 Extortion: "..under color of official right" is the wrongful taking by a public officer of money not due him or his office, whether or not the taking was accompanied by force, threats or fear. *United States v. Brown* 540 F.2d 364, 372-73 (8th Cir. 1976.).

8. Rule 9(b), notice is sufficient where specific omissions and misrepresentations are alleged and agreement is in record as exhibit and complaint. *Oliver v. Bostetter* (1977

D.C. Md.) 426 F.Supp. 1082, CCH Fed. Secur. L. Rep. 96059. Requirements of Fed. R. Civ. P. 9(b) are (1) specific false representation of material fact, (2) knowledge of its falsity by person who made it, (3) ignorance of its falsity by person to whom it was made, (4) maker's intention that it should be acted upon, and (5) detrimental reliance by plaintiff. *Nicholas v Wyndham Int'l, Inc.* (2002, DC VI) 301 F.Supp 2d 407.

9. Cal. Civ. Code 3479: ...obstruction to the free use of property or that unlawfully obstructs the free passage or use, in the customary manner any navigable way ,or river, bay, stream, canal, or basin, or any public park, square, street, or highway. 10. California Business and Professions Codes 6068 Duties of attorney an attorney must be of the highest moral character. (a) To support the Constitution and laws of the U.S. and of this state, (c) To counsel or maintain those actions and proceedings as appear to him legal or just, (d) never seek to mislead the judge or judicial officer by an artifice or false statement of fact or law, (g) not to encourage either the commencement or the

continuance of an action or proceeding from any corrupt motive of passion or interest.

11. Rule 9(b) Pleading Special Matters , Condition of the Mind

12. Section 408(n) of the IRS Code. On August 14, 1991 the United States Department of the Internal Revenue Service filed a $128,370.16 NOTICE OF LEVY against attorney Gorman, aka the Alter Ego of James R. Gorman A Professional Law Corp. Rule 9(b) that plaintiff has substantial pre-discovery evidence of these facts. *United States ex. rel. Harrison v Westinghouse Savannah River Co.* (2003, CA4 SC) 352 F3d 908.

13. Cal.Code of Civ.Proc. 1286.2, Prejudice; CCP 1283.4, Form and Content; CCP 1285.8, Grounds for Relief; CCP. 6203, (the arbitrators) failed to make a Written Determination; CCP 6050, by ignoring Subpoena Request; they completely ignored the Tax issue.

14. Demand Order to Preserve Status Quo of Property; Injunctive Relief, CPC 186(a)(1) with allegations of CPC 186, California Control of Profits of Organized Crime: CPC 186.2(6) Extortion, CPC 186.2(24) Conspiracy. The

wrongful conduct of an agent. It triggers "liability without fault"; the good faith of the principal is not a defense. *Keeton et.al. Prosser and Keaton on the law of torts 499 supra n6.*

15. California Revenue and Tax Code Chapter 7 RESPONSIBILITY OF ASSESSOR Section 1361 Escaped Property: liability on bond: the assessor and his sureties are liable on his official bond for all taxes on property which is unassessed through his willful failure or neglect.

16. California Government Code Section 11180.5 Unlawful Activities, assistance in conducting investigations that provides any agency, bureau or department of the state may assist in conducting an investigation of any unlawful activity that involves matters within or reasonably related to the jurisdiction of the agency, bureau or the department.

17, California Revenue and Taxation Codes 502, Concealing property to evade taxation; 503, Assessment of Property Escaping Assessment Through Fraudulent Act(75% penalty) and 504, 25% Additional Penalty for 503 Violation. Apparently, tax evasion by an attorney doesn't concern Assessor Street. To state claim under RICO, a

pattern of racketeering activity must be established. *Mylan Laboratories v Matkari, 7 F.3d 1130, 114 S. Ct. 1307.*

18. California Business and Professions Code 6001, the State Bar is a public corporation created by legislature as administrative arm of supreme court for purpose of assisting in matters of admission and discipline of attorney. *Emslie v State Bar of Xal. (1974) 113 Cal.Rptr. 175, 11 Cal.3d 210.*

19. The substantive standards of 1962 (d) make it unlawful for "any person to conspire" to violate 1962. In *United States v Gonzalez,, 921 F.2d 1530, 1539-40 (11th Cir. 1991)* the court found ("That the many defendants and predicate crimes were different, or even unrelated,.....[is] irrelevant, so long as it...[can] be reasonably inferred that each crime was intended to further the conspiracy. RICO is capable of providing for linkage in one proceeding of a number of otherwise distinct crimes and/or conspiracy through concept of enterprise conspiracy. *18 USC 1962(d) U.S. v Mahoney, 71 F.3d 645, reh den, cert den,117 S.Ct. 295, 519 U.S. 927, 136 L.Ed.2d 214.* 32f.

20. Unlike an association of individuals to commit sporadic crime, RICO "enterprise" is characterized: (1) by the common purpose or goal shared by its members; (2) by continuity of personnel and ongoing existence; and (3) by an ascertainable structure, which is distinct from that inherent in pattern of racketeering. *18 USC 1961(4). U.S. v Kehoe, 310 F.3d cert den 123 S.Ct.2112, 155 L.Ed.2d 1089.*

21. Pursuant to 18 U.S.C. 371 Conspiracy, criminal conspiracy prosecutions have for many years been a frequently pursued federal felony. *(C. Darrow, The Story of My Life p64,(1932):* "If there are still any citizens interested in protecting human liberty, let them study the conspiracy law of the United States.")

22. Under 18 USC 371, three elements must be proven: (i) the agreement between two or more persons, (ii) the unlawful objects of the conspiracy, and (iii) and least one overt act. *Periera v U.S. 347 U.S 1,11, U.S. v Kissel* 218 U.S. 601, (et.al.)

23. CPC 487b.: Conversion of Real Estate into personal property of over $400; Grand Theft Larceny.

24. Courts often speak of 18 USC 1341 Mail Fraud as requiring but two elements: (1) a scheme or artifice to defraud and (2) use of the U.S. mails in furtherance of the scheme. In reality, a third element must also be proven, i.e. (3) that the defendant acted with specific intent to defraud. *Pelletier v Zweifel 921 F.2d 1465, 1499.*

25. The ABA Ad Hoc Civil RICO Task Force reported in 1985 that approximately 90% of the Civil RICO cases in which there has been a published judicial decision rely upon the use of mail, wire or securities fraud as predicate offenses. *ABA Task Force Report, Note 3 @ 243.* Provisions in RICO can be invoked whenever it can be alleged in good faith that two instances of mail or wire fraud have happened. *Sedima S.P.R.L. v Imrex Co. et.al.* 473 U.S. 504..

26. Pursuant to 18 USC 1968 Civil Investigative Demands, Petitioner requests a RICO Team be sent from the United States Department of Justice to investigate, and where proper, prosecute Respondents and Respondent Superiors.

CONSISE STATEMENT OF THE CASE

Rule 14..1 (g) & 24.1

Petitioner refers to his original, consise statement of the case, and the direct consise argument amplifying the reasons, per Rule 14.1 (g), and respectfully requests Court incorporate that and this following comment.

The respondents and the Ninth Circuit judges all apparently stand firm in propounding the statute- of-limitations as absolute fact in their determination to dismiss this case. Petitioner respectfully contends the Ninth Circuit judges are wrong. The defendants cannot use the statute of limitations to benefit their own wrongdoing. The aforementioned Streets and Highways Codes continue in violation here, and all over town. For a price, the City issues revocable encroachment permits, in legion, but no consideration is given the tax assessor; and the practice is widespread.

Judge Carter more or less tells us it was not a false representation by attorney Gorman, with that attorney's refusal to cite tax, streets or highway authority. The judge further officially states that because the attorney chose not to rely on certain legal codes the attorney honestly disclosed his strategy, and that plaintiff was ultimately successful, so the attorney's use of the nuisance code could not have harmed plaintiff...who has not established the connection between this use of code and $85,000 in legal fees.

SUMMARY Rule 24.1 (h)

Petitioner contends he's answered question whether the Ninth Circuit David O. Carter is the head of a racketeering hierarchy supported by the Ninth Circuit Fernandez, Gould and M. Smith. The above paragraph sums it up but the question remains whether all these judges fulfill the parameters of 18 USC 1962

(c) and (d). Judge Carter also officially declared, citing *U.S.v Berger, 22*

.Supp145,153, that if an attorney can hold a client off for five years, he can commit a Title 18 felony against her or him and get away with it.

ARGUMENT Rule 24.1 (i)

Petitioner respectfully contends clearly the points of fact and of law with points and authorities presented are the Tax Codes and the Streets and Highways Codes. Petitioner questions whether these attorneys and the other official respondents operate other sophisticated and deliberate litigation traps, with Title 18 predicate acts, that would constitute RICO? Judge Carter closed this case

before Petitioner could officially answer attorney Gorman's first and only response. Gorman cited the tax issue as peripheral; the winning of the case as all-important. Petitioner never got a chance to tell Judge Carter that attorney Gorman reassured him that all costs will be paid by the defendant. Gorman didn't tell Petitioner "costs" did not include attorney's fees. Judge Carter and the others apparently didn't see anything wrong with this either.

CONCLUSION Rule 24.1 (j)

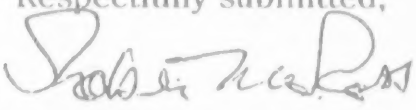
The 1929 case *Lonsdale v Commissioner 32 F.2d 537* seems relevant today. Petitioner respectfully requests Court consider this case statement: "What is or is not income within meaning of Sixteenth Amendment must be determined in each case according to truth of substance, without regard to form." Petitioner propounds this theft of public property and resulting tax evasion, is in various degree, perpetrated by the respondents, then officially upheld by the Ninth Circuit. This goes beyond an official breach of trust. Contended, this three decade plus on-going litigation trap, calls for an east-coast, top-to-bottom

RICO team. There are many weeds in the Bar Association and Official gardens here.

In the original case, No. SACV 08-01006, Petitioner requested $35,000,000 in damages, 34/35 of those proceeds to go to Petitioner's First Christian Church of North Hollywood; then from there goes humanitarian distribution throughout the County. Contended, the non-answering Orange County Bar Association should pay the price and then the resolution of this case should be published.

Respectfully submitted,

Nov. 29, 2010



Robert M. Ross, pro-per